

§ 101-8.725

(2) Advise the complainant of his or her right to bring civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant must give 30 calendar days notice by registered mail to the Secretary, HHS, The Administrator, the Attorney General of the United States, and the recipient;

(iv) That the notice must state the alleged violation of the Act, the relief requested, the court in which the complainant is bringing the action, and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

§ 101-8.725 Alternate funds disbursal.

If GSA withholds Federal financial assistance from a recipient under this regulation, the Administrator may disburse the assistance to an alternate recipient; any public or nonprofit private organization; or agency or State or political subdivision of the State. The Administrator requires any alternate recipient to demonstrate:

(a) The ability to comply with this regulation; and

(b) The ability to achieve the goals of the Federal Statutes authorizing the program or activity.

PART 101-9—FEDERAL MAIL MANAGEMENT

Sec.

101-9.000 Scope of part.

Subpart 101-9.1—General Provisions

101-9.101 Authority.

101-9.102 Objective.

41 CFR Ch. 101 (7-1-00 Edition)

101-9.103 Definitions.

Subpart 101-9.2—Program Implementation

101-9.201 Agency responsibilities.

101-9.202 Operational cost control functions at the facility level.

Subpart 101-9.3—Reporting Requirements

101-9.301 Agency mail manager information.

101-9.302 Agency mail program data.

Subpart 101-9.4—GSA Responsibilities and Services

Subpart 101-9.49—Illustrations

101-9.4900 Scope of subpart.

101-9.4901 [Reserved]

101-9.4902 Format for mail profile data.

Subpart 101-9.5—U.S. Postal Service Assistance

AUTHORITY: Sec. 2, Pub. L. 94-575, as amended; 44 U.S.C. 2904; sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SOURCE: 59 FR 62601, Dec. 6, 1994, unless otherwise noted.

§ 101-9.000 Scope of part.

This part sets forth policy for efficient, effective, and economical management by Federal agencies of incoming, internal, and outgoing mail.

Subpart 101-9.1—General Provisions

§ 101-9.101 Authority.

Section 2 of Public Law 94-575, the Federal Records Management Amendments of 1976 (FRMA), as amended, requires the Administrator of General Services to provide guidance and assistance to Federal agencies on records management, which includes the processing of mail by a Federal agency. GSA's responsibility extends to all Federal agencies.

§ 101-9.102 Objective.

The objective of mail management is to ensure rapid handling and accurate delivery of mail throughout the agency at minimum cost consistent with agency mission requirements.

§ 101-9.103 Definitions.

In part 101-9, the following definitions apply:

Addressing standards means the rules and regulations governing the addressing of mail, developed by the U.S. Postal Service, that enhance the processing and delivery of mail, reduce “undeliverable as addressed” mail, and provide cost reduction opportunities.

Class of mail means the classes of mail (First-Class, Second-Class, Third-Class, Fourth-Class, and Express Mail) established by the U.S. Postal Service for U.S. domestic mail.

Courier means a private delivery company or an individual that works for such a company.

Expedited mail is a generic term used to describe mail to be delivered faster than U.S. Postal Service delivery of First, Second, Third, and Fourth-Class mail.

Facility means any location where mail is processed for dispatch.

Facility mail manager means the persons responsible for mail management at a facility.

Federal agency or agency means any executive department as defined in 5 U.S.C. 101, a wholly owned Government corporation as defined in 31 U.S.C. 9101, any independent establishment in the executive branch as defined in 5 U.S.C. 104, any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol).

Incoming mail means mail coming into the agency delivered by an outside source (vendor or agency).

Internal mail means mail that is transmitted within an agency by that agency's mail center staff, including worldwide distribution, and is not processed for delivery by the U.S. Postal Service or any private company.

Letter means a message directed to a specific person or address and recorded in or on a tangible object. A message consists of any information or intelligence which is recorded on tangible objects such as paper in sheet and card form, or magnetic media.

Mail means letters, hard copies of electronic communications, memoranda, post and postal cards, documents, drawings, microfiche, publications, catalogs and other hard copy

communications, as well as packages meeting U.S. Postal Service size and weight requirements, for distribution or dispatch regardless of the distribution, dispatch, or delivery method including messengers and couriers. An item is considered mailable if it meets the following requirements set by the U.S. Postal Service: a mailable item is an item that will not injure people or property, weighs 70 pounds or less, and is not more than 108 inches (combined length and girth). Mailability requirements, restrictions, and exceptions are found in the U.S. Postal Service's Domestic Mail Manual (other mail vendors provide similar written guidance for items sent via their delivery services).

Mail center means a centralized location where mail is processed.

Mail piece design means preparation of letters, cards, and flats consistent with U.S. Postal Service requirements and recommendations.

Mail preparation means those processes involved in preparing mail for dispatch in such a way that it meets U.S. Postal Service requirements. These processes include, but are not limited to: sorting, barcoding, banding, air control tagging (ACT), designing mail pieces, and palletizing.

Messenger means an agency employee who delivers agency mail.

Outgoing mail means mail generated from within an agency facility that is addressed for delivery outside that facility; i.e., within or outside the agency, and is processed for delivery by the U.S. Postal Service or a private company.

Service standard means the dependability (consistency of arrival at addressee's location) and timeliness (meets delivery standard established for the class of service procured) of mail delivery.

Special services means services for fees other than postage; e.g., registered, certified, insured, business reply mail, merchandise return, certificates of mailing, and return receipts.

Worksharing means presorting, barcoding, or otherwise processing outgoing mail in such a way as to qualify for reduced postage rates. Agencies may participate in worksharing through contracts with vendors, when

authorized by that agency to enter into such contracts, or through in-house efforts.

Subpart 101-9.2—Program Implementation

§ 101-9.201 Agency responsibilities.

The head of each agency, or his or her designee, must designate an agency mail manager to be responsible for establishing an agencywide mail management program. The agency mail manager must have visibility within the agency and be at a managerial level enabling him or her to execute an agencywide program. The responsibilities of the agency mail manager include:

(a) Ensuring agencywide awareness and compliance with the mail management standards set forth by the U.S. Postal Service in the Domestic Mail Manual, the International Mail Manual, the Memo to Mailers, and the Postal Bulletin, as well as GSA standards and guidelines.

(b) Negotiating on behalf of the agency with the U.S. Postal Service for mail related services and implementing operational procedures for services acquired from private delivery vendors and couriers.

(c) Developing and distributing throughout the agency an agency mail cost control program. The agency cost control program must include, in addition to written policies regarding actions and procedures necessary to provide timely and cost-effective dispatch and delivery of mail, a plan for transition to automated mailing procedures, including: automated addressing, address list management, and electronic mail. This program must include:

(1) Developing and issuing on an agencywide basis program directives, guidance, and policies for timely and cost-effective mail management. Copies of program directives, policies, and guidance must be available for inspection by GSA. This includes at a minimum:

(i) Instructing mailers to use expedited mail only when required. Mail managers should require that mailers avoid excessive use of expedited mail services. Generally, expedited mail should not be used on Fridays, weekends, or the day before a holiday. When

expedited mail is needed on Fridays, weekends, or the day before a holiday, the mail manager must coordinate with the mailer to ensure delivery to the addressee. For example, if the addressee's building will not be opened consider other delivery arrangements. The mail manager must establish control procedures including written instructions on cost-effective use of expedited mail and must review scheduled expedited mail dispatches to determine if expedited service is necessary. If expedited mail is not necessary, alternatives to be considered include, but are not limited to: First-Class and Priority Mail, from the U.S. Postal Service and package delivery services from other vendors, if the agency has the authority to contract for or enter into agreements with such vendors and in accordance with any existing contracts or agreements for such services to which the agency is a party.

(ii) Maximizing agency cost-effective participation in worksharing programs. This includes proper address list management, compliance with automation addressing standards, presorting, and barcoding.

(2) Monitoring through the agency's local mail managers at all mail facilities, mailings, and other mail management activities using onsite inspections, checklists, or other inspection/review methods.

(3) Developing and directing agency programs and plans for proper use of transportation, equipment, and supply vendors, relative to mail management.

(4) Maintaining records of agencywide volumes (in pieces) and agency postage expenditures (in dollars) by class, weight, special services, and subclass/rate category of mail. One consolidated report on outgoing mail volumes, postage expenditures, and mailable matter dispatched to all carriers must be maintained. (Suggested format appears in § 101-9.4902.)

(5) Establishing procedures for the review and verification of vendor charges including charges contained in the U.S. Postal Service's Official Mail Accounting System billings. U.S. Postal Service charges and other vendor charges must be reviewed and verified at each facility to ensure billing accuracy.